

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ROBERT S. VISINTINE,	:	
	:	
	:	
Plaintiff,	:	Civil No. 11-4678 (RMB)
	:	
v.	:	
	:	
DONNA ZICKEFOOSE, et al.,	:	<b>ORDER</b>
	:	
Defendants.	:	
	:	

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IT APPEARS THAT:

1. On March 14, 2012, Plaintiff filed an amended complaint (ECF No. 28) in this civil action alleging that his constitutional rights had been violated by Defendant Zickefoose due to a denial of medical care. On December 21, 2012, Defendant Zickefoose's motion to dismiss was denied by this Court and on January 4, 2013 an Answer was filed (ECF No. 41).
2. On January 17, 2013, Plaintiff filed a motion for default judgment (ECF No. 44) which remains pending. Because an Answer was filed, Plaintiff is incorrect in his assertion that default judgment is warranted, and that motion will be denied.
3. On January 30, 2013, Plaintiff filed a motion for summary judgment (ECF No. 47), alleging that Defendant didn't show support for denying Plaintiff's claims in the Answer, and stating that he is entitled to relief as a matter of law (ECF No. 47). That motion also remains pending. However since the

filing of that motion, litigation has been ongoing and Plaintiff filed a second Amended Complaint (ECF No. 68) which is in the process of being served and answered. As a result, the motion for summary judgment, which concerns Plaintiff's first Amended Complaint, is not only meritless but is also moot.

THEREFORE,

It is on this 26th day of September 2013,

**ORDERED** that Plaintiff's motion for default judgment (ECF No. 44) is hereby DENIED; and it is further

**ORDERED** that Plaintiff's motion for summary judgment (ECF No. 47) is hereby DENIED.

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
United States District Judge